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10/680349  
10/0703

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. D6152CIP2/D1/D  
Anticipated Classification of this application:  
Class: 435 Subclass: 069100  
Prior application: Examiner: Baskar, P.  
Art unit: 1645

MS PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a divisional application under 37 CFR 1.53(b), of pending prior application Serial No. 10/062,624 filed on January 31, 2002, entitled **Homologous 28-kilodalton Immunodominant Protein Genes of Ehrlichia Canis and Uses Thereof.**

1. ☒ Enclosed is a new specification and drawings containing no new matter, including the declaration as originally filed.
2. ☒ Small entity status under 37 CFR 1.9 and 1.27(d) was established in the prior application and such status is still proper and desired (37 CFR 1.28(a)).
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW PLUS CLAIMS ADDED BY PRELIMINARY AMENDMENT

For:	No. filed	No. extra
Basic Fee		
Total claims*	20 = <u>2</u>	<u>0</u>
Indep. claims*	3 = <u>1</u>	<u>0</u>

0 Multiple Dependent Claim Presented

<u>Fees for Small Entity</u>		or	<u>Fees for other than a small entity</u>	
<u>Rate</u>	<u>Fee</u>		<u>Rate</u>	<u>Fee</u>
	\$385.00	or		\$ .00
<u>0</u> x \$43 = \$ <u>0</u>		or	<u>    </u> x \$ = \$ <u>    </u>	
<u>0</u> x \$ 9 = \$ <u>0</u>		or	<u>    </u> x \$ = \$ <u>    </u>	
+ \$ = \$ <u>0-</u>		or	\$ = \$ <u>    </u>	
TOTAL	\$385.00	or	TOTAL	\$ <u>    </u>

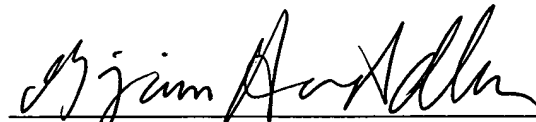
4. a.      A check in the amount of \$      is enclosed.

The PTO did not receive the following  
listed item(s) FIG. 15 AND 16

- b. ☒ The Commissioner is hereby authorized to charge the \$385.00 filing fee or any additional fees required, or credit any overpayment to Deposit Account No. 07-1185..
5. ☒ Claims 1 and 2 correspond to original claims 12 and 13. Original claim 12 is independent.
6. ☒ This application is a divisional application of USSN 10/062,624 filed on January 31, 2002 which is a divisional of USSN 09/660,587, filed September 12, 2000, now issued as USPN 6,392,023, which is a continuation-in-part of USSN 09/261,358, filed March 3, 1999, now issued as USPN 6,403,780, which is a continuation-in-part of USSN 09/201,458, filed November 30, 1998, now issued as USPN 6,458,942.
7. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of issue fee.)
8. ☒ Figures 1A-1B, 2, 3A-3B, 4-6, 7A-7C, and 8-16 are enclosed herewith on 20 sheets.
9. ☐ Priority of application serial no. \_\_\_\_\_ filed on in \_\_\_\_\_, is claimed under 35 U.S.C. 119.
- ☐ The certified copy of the priority application has been filed in prior application serial no. \_\_\_\_\_
10. a. ☒ With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. §120, the inventor(s) in this application are:
- ☒ the same
- b. ☒ The inventorship for all the claims in the application are:
- ☒ the same
- ☐ not the same, and an explanation, including the ownership of various claims at the time the last claimed invention was made, is submitted.
11. ☒ The prior application is assigned of record to Research Development Foundation and is located on Reel/Frame 012650/0510.
12. ☒ The power of attorney in the prior application includes Benjamin Aaron Adler, Ph.D., Registration No. 35,423.

- a. X The power appears in the original papers in the prior application (copy enclosed).
- b. — Since the power does not appear in the original papers, a copy of the Power in the prior application is enclosed.
- c. X Address all future communications to:
- Benjamin Aaron Adler, Ph.D., J.D.  
Adler & Associates  
8011 Candle Lane  
Houston, Texas 77071
13. — A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in prior application.)
- a. — A Supplemental Oath [1.67(b)(1)] for new claims is enclosed.
14. X A paper copy of the Sequence Listing is enclosed along with:
- X a Request to Use Computer Readable Form from Another Application under 37 C.F.R. 1.821(e) requesting that the last filed computer readable form in Application Number 10/062,624, filed on January 31, 2002 be used as the computer readable form in the instant application.

Oct 7, 2003  
Date

  
Benjamin Aaron Adler, Ph.D., J.D.  
Registration No. 35,423  
Attorney for Applicant

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Houston, Texas 77071  
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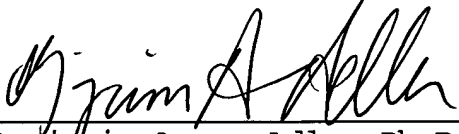
CERTIFICATE OF EXPRESS MAILING  
UNDER 37 CFR 1.10

I hereby certify that this divisional transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No. EV330326429US in an envelope addressed to: MS PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

DATE: Oct 7, 2003



Benjamin Aaron Adler, Ph.D., J.D.  
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